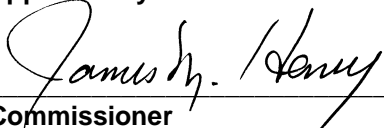
	<b>POLICIES AND PROCEDURES</b>  <b>State of Tennessee</b> <b>Department of Intellectual and Developmental Disabilities</b>	<b>Policy #: 80.5.1</b>	<b>Page 1 of 4</b>
<b>Policy Type: Community</b>		<b>Effective Date: October 1, 2012</b>	
<b>Approved by:</b>  <b>Commissioner</b>		<b>Supersedes: P-009-D</b>  <b>Last Review or Revision: September 25, 2012</b>	
<b>Subject: ESTABLISHMENT FUNDS</b>			

- I. **AUTHORITY:** Tennessee Code Annotated Section 4-3-2708, and the Home and Community Based Waiver.
  
- II. **PURPOSE:** The purpose of this policy is to provide clarification about requests for establishment funds and disposition of items purchased with establishment funds.
  
- III. **APPLICATION:** This policy applies to staff of the Department of Intellectual and Developmental Disabilities (hereinafter "Department" or "DIDD") responsible for authorizing establishment funds to establish residential services or for interpreting policy involving establishment funds.
  
- IV. **DEFINITIONS:**
  - A. **Class Member** shall mean an individual who meets the requirements in the definition of the class specified in:
    1. People First of Tennessee, et al. v. Clover Bottom Developmental Center.
    2. The United States of America v. State of Tennessee, et al. (Arlington Developmental Center).
    3. The qualifications of the "at-risk" portion of the Class Definition as defined by the 2006 Settlement Agreement approved by the West Tennessee Federal District Court on February 15, 2007.
  
  - B. **Establishment funds** shall mean state funding provided by DIDD to persons supported to purchase basic furniture, appliances, household items, or related services necessary to initially establish a residence.
  
  - C. **Home and Community Based Services (HCBS) waiver or waiver** shall mean a waiver approved for Tennessee by the Centers for Medicare and Medicaid Services to provide services to a specified number of Medicaid eligible individuals who have an intellectual disability and who meet criteria for Medicaid criteria of reimbursement in an Intermediate Care Facility for People with Intellectual Disabilities. The HCBS waivers for people with Intellectual Disabilities in Tennessee are operated by the Department of Intellectual and Developmental Disabilities with oversight from TennCare, the state Medicaid agency.

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V. **POLICY:** People who have resided in an institution typically do not have the resources necessary to establish a home in the community. This policy provides the process for obtaining additional funding for household items. Establishment funds may not be accessed if the person is eligible for funding through the Money Follows the Person Grant (MFP).

VI. **PROCEDURES:**

A. To be eligible to receive establishment funds, the person supported must:

1. Be a resident at the Harold Jordan Center.
2. Be a resident at a developmental center operated by DIDD.
3. Be a Class Member who is a resident of a psychiatric hospital, psychiatric residential treatment facility, private ICF/IID, or nursing home and who has resided there for the past 180 days.
4. Be a Class member who is in the custody of the Department of Children's Services.
5. Be transitioning to an HCBS waiver to receive one of the following waiver services:
  - a. Supported Living.
  - b. Medical Residential Services, provided that the place of residence is being rented or leased by the person supported and that the provider is licensed as a supported living provider.
6. Lack the resources to purchase the items or services necessary to establish a home.

B. Requests for establishment funds shall:

1. Be limited to a one-time grant or award of no more than \$2,500.00.
2. Be submitted in writing to the DIDD Regional Director or designee.
3. Include an itemized list of the items to be purchased with the establishment funds and the anticipated price of each requested item over \$50.00.
4. Less expensive items with an individual item cost of less than \$50.00 may be grouped and listed with an aggregate cost for the group, that aggregate cost shall not exceed \$100.00.

C. Items which may be purchased with establishment funds include but are limited to:

1. Basic essential furniture (e.g., couch, chair, bed, dresser; chest, and table).
2. Basic appliances (e.g., washer, dryer, refrigerator, microwave, and toaster).

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3. Eating utensils, cookware, and kitchenware for meal preparation.
  4. Electronic equipment (e.g., telephone, television, radio).
  5. Bed, bath, and laundry items (e.g., sheets, pillows, pillow cases, towels, bath cloths, shower curtains, and laundry baskets).
  6. The initial stock of food and food products, laundry and cleaning supplies, and bath and personal hygiene products at the time the residence is first established.
  7. Security and utility deposits as necessary.
  8. Moving expenses (e.g., truck rental and fuel for moving; labor).
  9. Other miscellaneous items reasonably needed to establish an initial residence.
- D. Establishment funds shall not be used or approved to purchase:
1. Clothing.
  2. Entertainment and educational items (with the exception of a television or radio) such as the following:
    - a. DVD/VCR players and DVD's/CD's/VCR tapes, and tape recorders.
    - b. Computers, computer software, printers, and other computer hardware and software.
    - c. Sports, or exercise equipment or recreational equipment (e.g., bicycles).
- E. People who are receiving residential habilitation or family model residential services are not eligible for establishment funds.
- F. Establishment funds are only approved for the establishment of an initial home. If a person supported chooses to relocate from one supported living home or medical residential home establishment funds shall not be approved for an additional home or to replace damaged items.
- G. Establishment funds are approved for a specific person supported. Items purchased with establishment funds shall be the property of the person for whom the funds were approved.

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- H. If there is a change in the residential service provider, the person supported has the right to retain items purchased with establishment funds. The transferring provider has the following responsibilities:
  - 1. To provide a copy of the inventory of the individual's personal property to the new provider and to the person supported or the person's conservator or legal representative.
  - 2. To maintain a copy of the inventory.
- I. Establishment funds are not intended to be used by a person supported to purchase an item jointly with another person supported.
- J. If the person supported no longer has a need for items purchased with establishment funds, the person may retain or dispose of the items as chosen.
- K. When a person purchases furniture, appliances, or other household items with establishment funds, the provider shall:
  - 1. Maintain a written inventory of the items purchased.
  - 2. Be responsible for updating the written inventory when an item is destroyed or no longer usable.
  - 3. Maintain the inventory for a minimum of two years or as long as the person supported remains in the provider's services, whichever is longer.
- L. Upon the death of a person supported, any items purchased with establishment funds become the property of the person's legal heirs. The heirs may retain or dispose of the items. If there are no legal heirs or if the legal heirs do not want the items, DIDD shall retain the right to dispose of the property.

**VII. ATTACHMENTS:** None